IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMARY SUIT NO.1553 Of 2006

Anil G. Shah ..Plaintiff.

Vs.

Mohammed Hanif Gulam Rasool & anr. ..Defendants.

....

Mr. Ramesh Jain for the Plaintiff.
None for the Defendants.

....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

23rd April, 2007.

P.C. :

1. The suit is based on two Bills of Exchange each in the amount of Rs.50,000/- dated 15th July, 2002 drawn by the First Defendant and accepted by the Second Defendant. The Bills of Exchange were payable upon the expiry of thirty days. Upon presentation the Bills of Exchange were dishonoured. Part payments each of Rs.5,000/- were made on 25th August, 2004 and 7th December, 2004. The Suit was instituted on 3rd May, 2006 and is therefore within limitation.

2. The Defendants have been served with the writ of summons and an affidavit of service has been filed. The Defendants have not entered appearance and have not set up any defence to the claim in the suit. The claim in the suit is founded on Bills of Exchange and falls within the purview of Order 37. There being no defence to the suit, the Plaintiff would be entitled to a decree as prayed. Even otherwise, the claim stands established on the basis of the original documents compilation of which has been tendered and is taken on the record. The Suit is accordingly decreed as prayed. The Plaintiff would be entitled to interest at the rate of 18% per annum on the principal sum of Rs.90,000/- from the date of the suit until payment or realization.

Refund of Court fees, if any, as per rules.